

**CITY COUNCIL MEETING
McMinnville, Oregon**

AGENDA

**McMINNVILLE CIVIC HALL
200 NE SECOND STREET**

**December 22, 2015
6:00 p.m. – Planning Commission -
City Council Dinner
7:00 Joint Planning Commission / City Council Meeting**

Welcome! All persons addressing the Council will please use the table at the front of the Board Room. All testimony is electronically recorded. Public participation is encouraged. If you desire to speak on any agenda item, please raise your hand to be recognized after the Mayor calls the item. If you wish to address Council on any item not on the agenda, you may respond as the Mayor calls for "Invitation to Citizens for Public Comment."

NOTE: *The Dinner Meeting will be held at the McMinnville Civic Hall and will begin at 6:00 p.m.*

CITY MANAGER'S SUMMARY MEMO

- a. City Manager's Summary Memorandum

CALL TO ORDER

PLEDGE OF ALLEGIANCE

INVITATION TO CITIZENS FOR PUBLIC COMMENT – *The Mayor will announce that any interested audience members are invited to provide comments. Anyone may speak on any topic other than:*

- 1) a topic already on the agenda;*
- 2) a matter in litigation,*
- 3) a quasi judicial land use matter; or,*
- 4) a matter scheduled for public hearing at some future date.*

The Mayor may limit the duration of these comments.

1. PUBLIC HEARING

- a. 7:00 p.m. Public Hearing: Regarding Standards for Regulating Marijuana Business Activities in McMinnville
- b. **Ordinance No. 5000:** Amending the McMinnville Zoning Ordinance to provide standards for regulating marijuana business activities in McMinnville, and declaring an emergency

2. NEW BUSINESS

- a. Reappointment of Water and Light Commissioner

3. ADVICE / INFORMATION ITEMS

- a. **TENTATIVE CITY COUNCIL MEETING DATE:** If Ordinance No. 5000 passes by a majority vote (rather than a unanimous vote), the City Council will hold a Special Meeting on either December 23, 2015 at 7:00 p.m. or December 29, 2015 at 7:00 p.m. to hold a second vote on the proposed ordinance
- b. Cash and Investment Report - October 2015

4. ADJOURNMENT



City Council- Regular

TO: Mayor and City Council
FROM: Rose Lorenzen, Administrative Assistant / HR Analyst
DATE: 12/22/2015
SUBJECT: City Manager's Summary Memorandum

SUMMARY:

M E M O R A N D U M

DATE: December 16th, 2015
TO: Mayor and City Council
FROM: Martha Meeker, City Manager
SUBJECT: Agenda for the Regular Council Session for December 22nd, 2015

Item 1: Public Hearing on Time, Place and Manner Restrictions on Marijuana Sales, Wholesaling, Processing and Production

In July 2015, the Oregon state legislature passed House Bill 3400 allowing city municipalities to place reasonable restrictions on the time, place, and manner surrounding marijuana operations. Specifically, House Bill 3400 provided the ability for cities to regulate marijuana facilities by imposing reasonable restrictions on:

1. The hours of operation of recreational marijuana retailers and medical marijuana grow sites, processing sites, and dispensaries.
2. The location of recreational marijuana producers, processors, wholesalers, and retailers, as well as medical marijuana grow sites, processing sites and dispensaries, except that a city may not impose more than a 1,000-foot buffer between recreational marijuana retailers.
3. The manner of operation of recreational marijuana producers, processors, wholesalers, and retailers, as well as medical marijuana processors and dispensaries.
4. The public's access to the premises of recreational marijuana producers, processors, wholesalers, and retailers, as well as medical marijuana grow sites, processing sites, and dispensaries.

In addition, the City may enforce civil regulations of general applicability (such as zoning codes). Any time, place, or manner restriction must be consistent with the City's comprehensive plans, zoning ordinances, and public health and safety laws.

Item 2: Ordinance Implementing Time, Place and Manner Restrictions on Marijuana Sales, Wholesaling, Processing and Production

The Council conducted a work session on November 11th, 2015, to hear issues surrounding the sales, wholesaling, processing, and production of marijuana and possible time, place, and manner restrictions to mitigate them. The ordinance presented is a result of that work session.

Item 3: Water and Light Commission Board Member renewal

Mike Keyes' current four year term will come to a close at the end of this year and is requesting renewal of his position on the Commission.

Appointments to this Commission are made by the Mayor and confirmed by the City Council.

Current members are:

Patrick Fuchs	Term ends in 2018
Ed Gormley	Term ends in 2016
Mike Keyes	Term ends in 2015
Tom Tankersley	Term ends in 2017

For reference, below is the governing language from the City's Charter on the Water and Light Commission

Chapter X
WATER AND LIGHT COMMISSION

MEMBERSHIP AND QUALIFICATIONS. The mayor of the City of McMinnville shall ex officio be a member of the Water and Light Commission. In case of the absence of the mayor from the city, or his complete disability or disqualification to act, then during such absence, disqualification or disability, the president of the council shall ex officio act in place of the mayor as a member of the Water and Light Commission. In addition to the mayor, there shall be four members of the Water and Light Commission appointed by the mayor for a term of four years, whose appointments shall severally be approved by the council before any new commissioner shall enter upon the discharge of the duties of his office. The four commissioners in office at the date of the adoption of this provision shall serve out their respective terms, subject to removal as hereinafter provided. In case of a vacancy caused by death, removal or resignation, the mayor shall appoint a successor to fill such vacancy for the balance of the term, which appointment also shall be subject to confirmation by the council.

Section 43. REMOVAL OF COMMISSIONERS. The mayor, with the consent of the council, may remove any member of the Water and Light Commission for cause. No commissioner shall be removed, except upon written charges filed by the mayor with the clerk of the Water and Light Commission, a copy of which shall be served upon such C-11 commissioner. A copy of such charges shall also be filed with the recorder of the City of McMinnville and brought before the council, together with the order of the mayor removing any such commissioner; and the question of whether or not such removal shall be sustained by the council shall be submitted to the council as any other city business is submitted to and considered by the council, and the question shall thereupon be submitted to the council in the following form: "Shall the action of the mayor in removing _____, a member of the Water and Light Commission of the City of McMinnville, be sustained?" If the majority of the membership of the city council shall vote in the affirmative, said removal shall be sustained, and said commissioner shall thereupon be out of office; otherwise, said removal shall not be sustained and said commissioner shall remain in office for the balance of his term, except in the case of death, disqualification or removal as herein provide.

Section 44. QUALIFICATIONS OF COMMISSIONERS. No person shall be appointed to the Water and Light Commission, or retain any such office, who does not fulfill the following requirements: He must be a citizen and resident of the City of McMinnville for at least one year, and a legal voter, and shall not have a financial interest adverse to the interests of the City of McMinnville in any manners

over which the Water and Light Commission has jurisdiction. (Res. No. 1978-47 §8(a)). Section 45. ORGANIZATION OF COMMISSION. The Water and Light Commission shall, at its first meeting in January in each year, elect from among the four appointed members thereof, a chairman, and shall also elect a clerk of the commission. At all meetings attended by the mayor he shall preside and in his absence, the president of the council shall preside. In case neither the mayor nor the president of the council is present at any meeting of the Water and Light Commission, the chairman shall preside, and if the chairman is also absent, then a chairman pro tem shall be appointed by the members present. The Clerk of the Commission shall sign all minutes of all meetings, together with the officer who has presided at such meeting.



City Council- Regular

Meeting Date: 12/22/2015

TOPIC

7:00 p.m. Public Hearing: Regarding Standards for Regulating Marijuana Business Activities in McMinnville

Attachments

Testimony
Map - Linfield
Med MJ Worksheet
Rec MJ Warehouse Summ
Rec MJ Sales Summary
Medical MJ Summary
Commercial MJ Producer Summary
Rec MJ Producer Summary
Med MJ Producer Summary

Steve & Mary B. Allen

835 SW Hilary Street

503-472-1149

McMinnville OR, 97128

December 15, 2015

Mayor and City Council, City of McMinnville
McMinnville Planning Department

To Whom it may Concern,

We are frustrated that one company in the south end of McMinnville has any right or power to control all of our businesses. Every Commercial and Industrial business pay taxes to have the right to operate within the city limits. A city is set up for Commerce, (an interchange of goods or commodities) and is where business should be located. The marijuana industry is a legal business in Oregon.

We made an educated decision to allow our property to be leased based on the current approved zoning ordinance for marijuana related activities. There are very few areas in McMinnville that are available to place a dispensary with the restrictions already set up by the State of Oregon and the City of McMinnville. Our location is perfect within this law.

The new zoning proposal where Linfield College controls the whole south end of McMinnville is a land grab. What is the objection to the current zoning? If it is truly about minors then they need to re-access what they are offering on their own property. They have a large commercial business that sells alcohol (Albertsons) on *Linfield's* commercial property and they promote alcohol consumption with a week long festival that celebrates alcohol (IPNC). Allowing the sale of alcohol *on* the college property and not wanting to allow the legal sale of marijuana within 1,000 feet of the Linfield campus is hypocritical. We know that this proposal is to control Jakes Deli property at 1208 SW Baker Street. Upon investigation it will also control many more Commercial and Industrial properties with the 1,000 foot proposal. Some of those business may want to sell their property, change their business use to make edibles for the marijuana industry, use their buildings for storage or distribution or any number of related businesses to the marijuana industry. One business should not have the only consideration on what legal commerce is placed in McMinnville because of their opinion.

Linfield has stated that their concern is that marijuana will land in the hands of minors...It is virtually impossible for an underage student to get into a dispensary with the extensive checks that are in place through the state of Oregon, OLCC regulations and laws and the constant monitoring of this facility by the state.

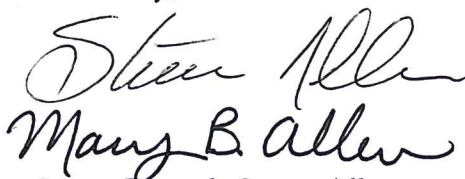
Adding this 1,000 ft. buffer will only affect us Jakes Deli right now. The buffer zone in no way will change anything that goes on at Linfield. This buffer will not prevent underage students from getting alcohol, marijuana and more harmful drugs that are already available illegally on Linfield's campus. What it will do is allow Linfield to control all business in the south end of town. What it will do is eliminate our income, it will eliminate tax generating cannabis related business to come to our town, it will eliminate a safe, accessible, legal source of medical marijuana for our veterans, sick children and cancer patients who rely on it.

We are not talking about an opinion on marijuana or alcohol for that matter. It is about land use and how "wrong" it is to have one company control my business. Our business and Steve and I, have paid taxes and served McMinnville for almost 39 years and we are angry to have Linfield push through their hypocritical agenda under the guise of protecting minors.

Washington, DC Police Chief Cathy Lanier told the American News Women's Club last Wednesday, according to the Daily Beast, "All those [marijuana] arrests do is make people hate us." She added, "Marijuana smokers are not going to attack and kill a cop. They just want to get a bag of chips and relax. Alcohol is a much bigger problem." The police chief clarified her comments to emphasize that she believes marijuana isn't healthy. "But I'm not policing the city as a mom," she said. "I'm policing it as the police chief — and 70 percent of the public supported this."

We believe that Linfield and the city should be looking forward. Linfield has no valid reason to oppose our business lease to GREEN HEART by asking for a buffer. The City of McMinnville should lead by not promoting fear or allowing one business to control all of south McMinnville.

Sincerely,

The block contains two handwritten signatures. The top signature is "Steve Allen" in a cursive script. The bottom signature is "Mary B. Allen" in a similar cursive script.

Mary B. and Steve Allen
835 SW Hilary Street
McMinnville, OR 97128
503-472-1149

ETH

THE POSITIVE IMPACT OF

Join us at The Green Heart

Oregon for a day of conversation about the Cannabis industry in

McMinnville.

12.19.15

10AM - 1

OPEN HOUSE



FORMERLY LAKE OF THE

1208 SW BAKER STREET
MCMINNVILLE, OR 97128

NO CANNABIS WILL BE ON SITE DURING THE OPEN HOUSE



The Green Heart Oregon will be both a Community Center and a Medical Cannabis Dispensary. The Community Center will serve as a gathering place to meet, relax, and enjoy a cup of coffee. Our separate Medical Cannabis dispensary will not only provide the highest quality, local, and organic cannabis options, but it will serve as the heart of our cannabis community to create, collaborate, and share new ideas.

We would love for you to come visit us at our new location in McMinnville, Oregon.

TOPIC SESSION:

1pm - Children and Cannabis

2pm - Community Leadership Panel

3pm - Q & A Discussion

4pm - Cannabis Cuisine in Oregon

NO CANNABIS WILL BE ON SITE DURING THE OPEN HOUSE



THE Green Heart FOUNDATION

THEGREENHEARTOFCOM.COM

We demand that the City of McMinnville drop it's proposed addition to its home rule that adds a 1,000 foot buffer zone around Linfield college in the ZONING ORDINANCE AMENDMENTS....

To Mayor Rick Olson and McMinnville City Council,

Home rule (17.64.040 Performance, Standards, #5. d.) States "Medical marijuana dispensaries and/or commercial recreational facilities may not be located within 1,000 feet of the following: d. Linfield College campus, as depicted in Exhibit "A" to this chapter"

The City of McMinnville should not restrict the use of our properties around Linfield College because of an "opinion" of Linfield College. All commercial and industrial businesses around Linfield college pay city taxes and fees and should expect to use or sell their property for any legal business as they see fit. This appears to be a form of a land grab for one business to control all properties around their property in the south end of McMinnville, without reason.

One business Linfield, should not have the ability to limit the use of any commercial and industrial properties outside of their ownership. We are asking the city council to support all commercial and industrial business owners in the south end of McMinnville. We look forward to having this resolved to the fairness of all property owners.

Please sign this petition to support the removal of ;

Home rule (17.64.040 Performance, Standards, #5. d.) States

"Medical marijuana dispensaries and/or commercial recreational facilities may not be located within 1,000 feet of the following: d. Linfield College campus, as depicted in Exhibit "A" to this chapter".from the McMinnville Zoning Ordinance.

NAME	EMAIL/CONTACT	SIGNATURE
Stern Allen Jakes Deli	971.237 1461	
Michelle Liberson ^{Bauer's} Avian Hair	503-434-7263	Michelle Liberson
Eric A Wilke	917, 237. 3722	Eric A Wilke
Wilson's Florist and Landscaping	503.472-6811	Linda Richie
Enrique Rodriguez	503434 7900	
Terrie Rickard	971-244-2880	
Nancy Morrow ^{Movie Time Video}	nancy@macmovietime.com	Nancy Morrow
Dan Morrow ^{Movie Time Video}	dane@macmovietime.com	

Buffer area Business owners

opinion
from
property
owners
K
K
K



THE
**GREEN
HEART**
OREGON

Linfield and the City of McMinnville have demanded a 1,000 sft buffer zone around the college property line that will prevent all medical marijuana businesses, medical marijuana sales, and medical marijuana production.

**SIGN YOUR NAME TO SHOW YOU WANT BUSINESS
TO CHOOSE WHERE THEY OPERATE, NOT YOUR COLLEGE!**

NAME	EMAIL / CONTACT	SIGNATURE
Rebecca Wolk	Rebecca.Wolk@valco.com	Rebecca Wolk
Terril Kornegay	tm2011or@gmail.com	TKornegay
Jonny Sesko	SeskoAnthony@gmail.com	Jonny Sesko
Melissa Ivey	missyivey7@gmail.com	Melissa Ivey
Vanessa Cerda	vcerda123@icloud.com	Vanessa Cerda
Cramer	cramer1266@gmail.com	Cramer
Calif Hough	khough1948@gmail.com	Calif Hough
Janice Riskey	Cartercymie171@gmail.com	Janice Riskey
Kevin M. Howard	Kevin M Howard	Kevin M Howard
Zachary Hery	znr_2008@yahoo.com	Zachary Hery
Sandy Lawson	2341 NW Shadden Dr.	Sandy Lawson
John Esten	2420 SE Villaville St	John Esten
Connie Chase		Connie Chase
Chad Nixhus		Chad Nixhus
Kelley Lucht		Kelley Lucht
Matt Beard		Matt Beard
Alex Cook	AlexCook97@gmail.com	Alex J Cook
RALPH MORRIS	503-864-0211	R M U

THEGREENHEARTOREGON.COM



THE

GREEN
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O R E G O N

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**SIGN YOUR NAME TO SHOW YOU WANT BUSINESS
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NAME	EMAIL / CONTACT	SIGNATURE
Will Tester	971-261-3171	Will Tester
Justyn Trejo	971-267-0921	Justyn Trejo
Thomas Oakley	Tanomat1964@gmail.com	Thomas Oakley
REBECCA HAWES	REHAWES@OUTLOOK.COM	Rebecca Hawes
Groffan Yunnan	gyunnan826@gmail.com	Groffan Yunnan
Kim Gray	KimGray75@yahoo.com	Kim Gray
Domonic P. RAINO	DREW.D.L.740@gmail.com	Domonic P. RAINO
Nora Rothwang	831-325-5935	Nora Rothwang
Russ Seward	503-472-9638	Russ Seward
Shawn Stewart	503-989-1757	Shawn Stewart
Jim Coen	503 857 5904	Jim Coen
Kenneth Jager	503-437-3709	Kenneth Jager
Paul Bate	kjjaeger2001@gmail.com	Paul Bate
Kamrie Hoggard	503 560 2562	Kamrie Hoggard
Summer Darlins	Kamrie.Hoggard@gmail.com	Summer Darlins
Jessica Park	Summadarling@hotmail.com	Jessica Park
Pat White	2048 N.E. Hwy 99 W #6	Pat White
Mrs Linda Wilson	945 NE 19th #2 McMinnville	Mrs Linda Wilson
Erin Taylor	503-852-6031	Erin Taylor
Tara Andersen	971-241-3627	Tara Andersen
Trista Smith	971 312 5246	Trista Smith
Robert Bollen	971-241-5772	Robert Bollen
Dawn Kim	971-302-4568	Dawn Kim
GARY ALMQUIST	d-kim12@hotmail.com	GARY ALMQUIST

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THE
GREEN
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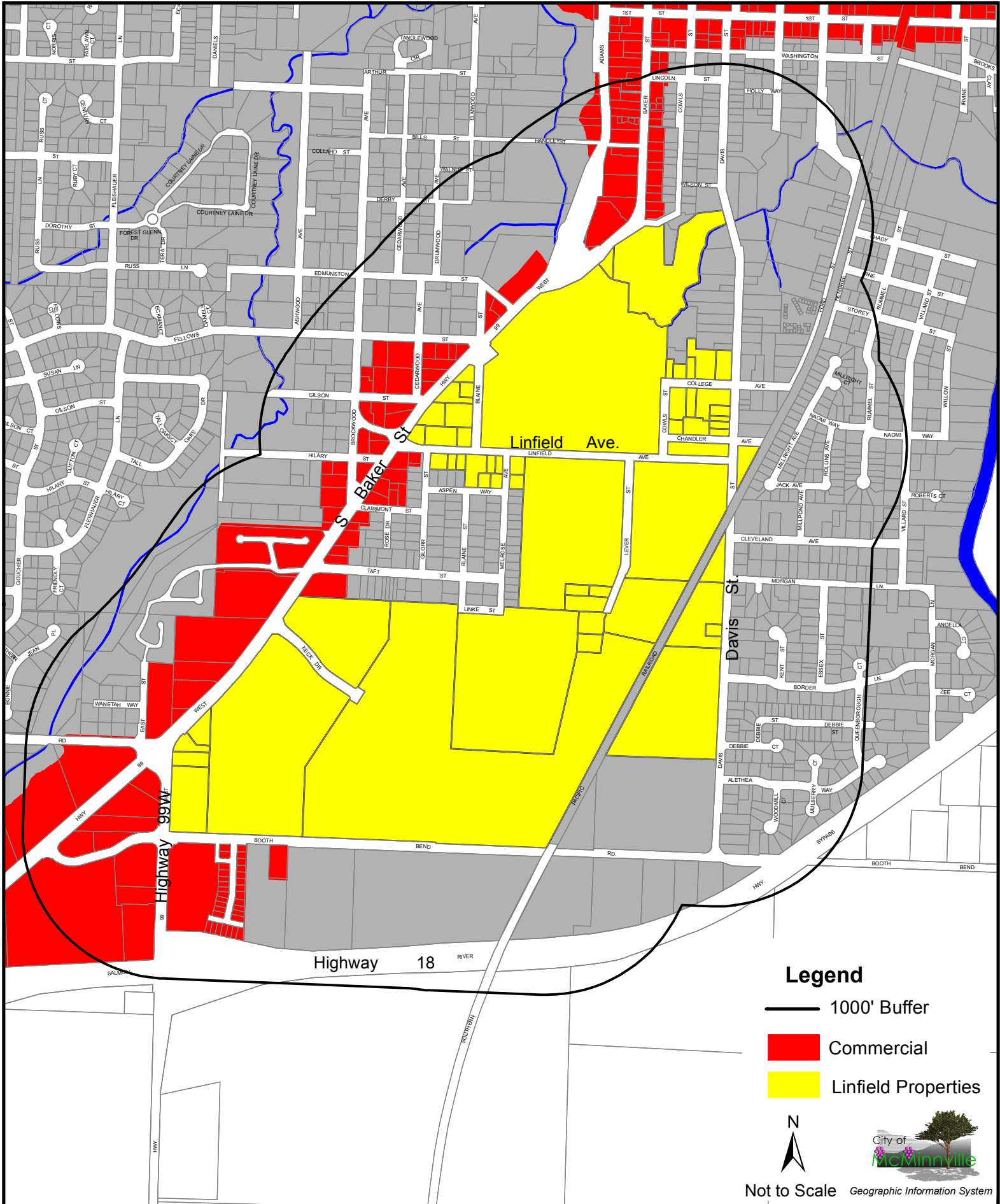
**SIGN YOUR NAME TO SHOW YOU WANT BUSINESS
TO CHOOSE WHERE THEY OPERATE, NOT YOUR COLLEGE!**

[illegible]

THEGREENHEARTOREGON.COM

Linfield Properties

Exhibit "A"



MARIJUANA WORK SESSION #2

TIME / PLACE / MANNER

Personal Use

- Personal use of marijuana, as well as small-scale home cultivation, is legal; the City cannot reverse this but may regulate it
- Existing regulations on personal use:
 - Must be 21
 - Can possess up to one ounce of useable marijuana in a public place
 - Cannot consume in public / cannot grow in site of public / cannot produce extracts
 - Homegrown marijuana: not to exceed 4 plants and 8 oz of useable marijuana at any given time
 - Homemade marijuana products: not to exceed 16 oz in solid or concentrate form and 72 oz in liquid form at a given time
 - Delivery of not more than one ounce of homegrown marijuana, not more than 16 oz of homemade marijuana solids or concentrates, and not more than 72 oz homemade marijuana liquids at a given time by a person 21 or over to another person 21 or over for noncommercial purposes

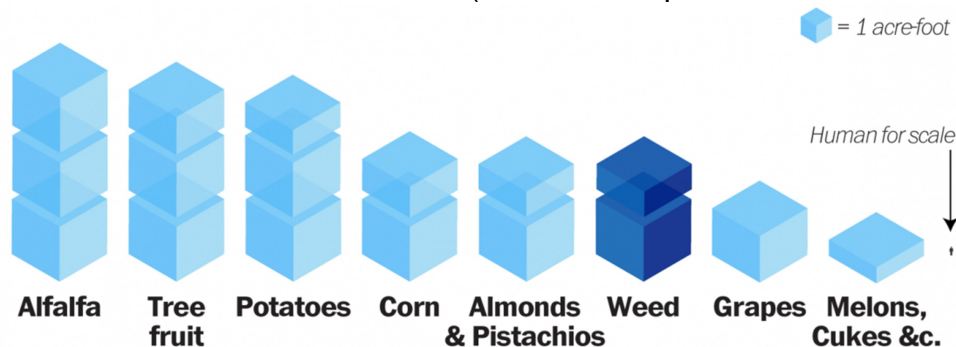
Medical Use

- Production: Consensus opinion is State legislature desired to prevent Cities from banning medical production; however the language in HB 3400 does not do this by staying silent, as Oregon is a home rule state. The staff foresees the possibility of the State closing this home rule loop hold in the future.
 - Note: The City can provide for “reasonable regulation” of medical production
- No medical category for wholesaling

Activities the City Council may ban: Medical Sales and Processing; Commercial Sales, Wholesaling, Processing, and Producing

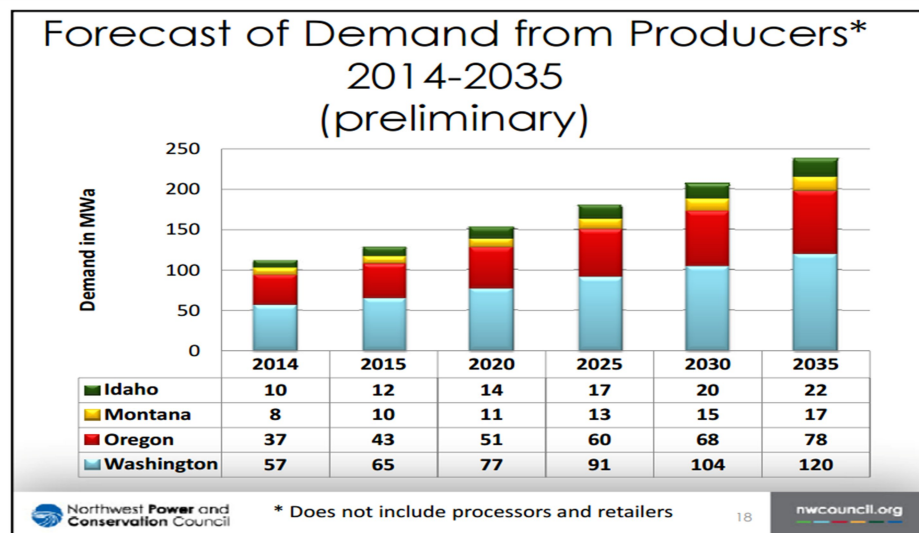
- Sales and wholesaling:
 - Existing medical dispensaries: Grandfathered if “the dispensary is registered with OHA on or before the date the local government ordinance is adopted and the dispensary has successfully completed a local government land use application process”
 - The language requiring a “government land use application” puts the City’s two existing medical dispensaries on uncertain ground as neither completed a land use application process
 - The Council may clear this confusion if desired by including a grandfather clause in proposed ordinance
- Processing:
 - Commercial:
 - OLCC: “Processor” means the processing, compounding, or conversion of marijuana into cannabinoid products, concentrates, or extracts
 - Includes drying of marijuana; does not include packaging or labeling

- WasteWater:
 - The City's WasteWater staff is not aware of any specific concerns related to marijuana (sales/wholesaling/processing/producing)
 - WasteWater staff have participated in discussions with their peers statewide, and the consensus is there are no unique or special issues of concerns for this industry regarding wastewater
 - As part of permitting, the City would require an environmental survey to document the specific business and its associated wastewater discharge. As with any commercial/industrial business, we would make sure adequate controls were in place for the specific type of process being proposed. Example controls for might be:
 - Ensuring fats, oils, and grease (FOG) facilities and controls were in place for MJ edibles producers
 - Ensuring an appropriate Accidental Spill Control Plan (ASCP) was in place for a producer storing large volumes of chemicals / fertilizers onsite
- Solid Waste:
 - HB 3400 "Waste is a by-product of producing or processing"
 - OLCC: A commercial licensee must "store marijuana waste in a secured waste receptacle"
- Production:
 - Commercial
 - Indoor Grow Tier I license: 5,000 square feet of canopy space
 - Indoor Grow Tier II license: 5,001 and 10,000 square feet of canopy
 - Outdoor Grow Tier I license: 20,000 square feet
 - Outdoor Grow Tier II licensee: 20,001 and 40,000 square feet of canopy (acre = 43, 560 sq feet)
 - Medical Residential - 12 plants / Non-Residential - 48 plants
 - Concerns on smell (bloom is Sep / Oct) and security of outdoor sites
 - Environmental Concerns: Water (California Dept of Water Resources)



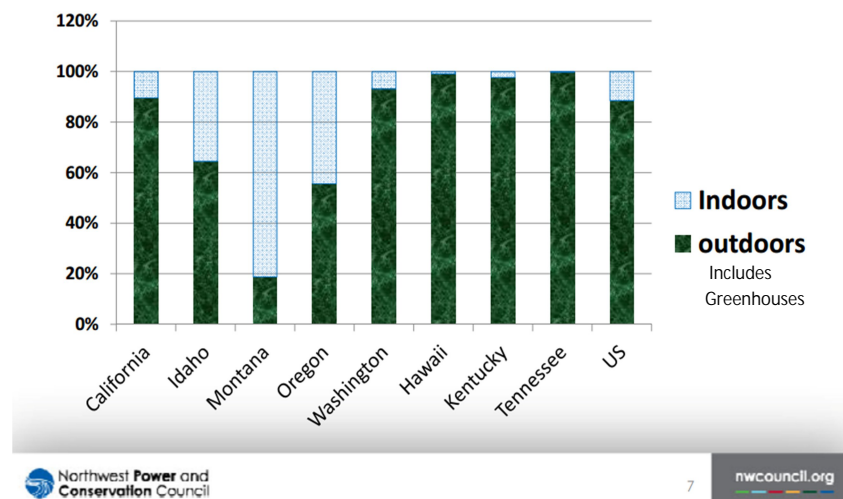
- Indoor production is the least water intensive

- Environmental Concerns: Electricity – Indoor Warehouse Production (NW Power & Conservation Council)



- Indoor marijuana production is an energy-intensive endeavor (similar to energy demand from data centers)
- Outdoor greenhouses significantly lower energy demands
- McMinnville Water and Light processes energy rebates for efficiency measures through Bonneville Power, a federal entity which excludes marijuana operations from energy rebates

Method of Production



Colorado restricts medical and retail marijuana production to "enclosed and locked areas"; 100% grown indoors or in greenhouses

- Medical Marijuana production (OLCC survey 2015):

- 71% Indoors
- 14% Greenhouse
- 16% Outdoors

Note: Percentages do not add to 100% due to rounding

HB 3400 established the Task Force on Cannabis Environmental Best Practices; will study the “use of electricity and water by, and the agricultural practices associated with the growing of cannabis”; report due September 14th, 2016

- Examples of local restrictions executed by other Oregon cities

- Grants Pass: Banned all outdoor cultivation, drying, curing, storage, production, or processing of marijuana (personal / commercial / medical) and limited the number of medical plants for to 4 in residential
- Pendleton: Ordinance stating the odor of a marijuana grow operation can’t travel to any other property

Time / Place / Manner: Restrictions on the manner of operation, hours, location and the public’s access; Restrictions are “reasonable” regulations related to the business

➤ Manner of Operation: Signage, security, entryways, etc..

- Possible restrictions to mitigate security / smell concerns in commercial production and to limit marijuana operations in residential areas
 - Limiting production to enclosed and lockable facilities
 - Restricting marijuana operations from operating as “home occupation”

➤ Hours

- Medical Sales
 - City ordinance restricts the sales or transfer of medical marijuana in any form to the hours from 10:00 AM to 07:00 PM
- Commercial sales
 - OLCC restricts sales to the hours from 07:00 AM to 10:00 PM
 - Staff recommends aligning hours for medical and commercial marijuana sales
- Producers / wholesaling / processors
 - Council may consider further restrictions

➤ Location:

- OLCC requires a land use review by the City prior to approving license
 - HB 3400 “A city or county that receives a request for a land use compatibility statement under this subsection must act on that request within 21 days...”
 - OLCC begins receiving requests for permits Jan 4; Staff believes the earliest the City may see applications from the OLCC would be 2nd Quarter, 2016
- Land Use
 - Changes in existing zoning would require review by the City’s Planning Commission

- Timeline requirement
 - Nov 24th: Council Review on time / manner / location
 - Dec 16th: Notice of hearing to the Oregon Department of Land Conservation Development's office
 - Jan 21st: Planning Commission review
 - Feb 18th: Council Ordinance
 - Should the timeline become extended due to complications with the land use review process or the OLCC advances its processes faster than the expected earliest 2nd Quarter 2016 date for local review, any application received by the Planning Department and not processed within the 21 day time period would proceed with a conditional use caveat
 - Buffer zones: Implementing buffer zones versus a specific zone change is not a land use issue
 - The staff recommends restricting marijuana operations to the various zoning categories as outlined in the accompanying "one pagers" provided by the Planning Department
- ⇒
- Density restrictions
 - Medical sales
 - HB 3400 1000 foot separation between medical dispensaries
 - Commercial sales
 - HB 3400 Cities cannot require separation greater than 1000 feet between commercial retailers
 - All other categories: No existing density restrictions in place
 - Considerations for future restrictions
 - 1,000 foot separation between all sales locations (medical or commercial)
 - Buffers: Oregon state restrictions based on areas where children congregate (Public and Private)
 - Medical sales
 - HB 3400 "A public elementary or secondary school for which attendance is compulsorya private or parochial elementary or secondary school, teaching children"
 - McMinnville Ordinance: "...medical marijuana facilities must not be located within 1,000 feet of the real property comprising a preschool, the McMinnville Public Library, the McMinnville Aquatic Center, and the McMinnville Community Center"
 - Commercial sales
 - HB 3400 A public elementary or secondary school for which attendance is compulsorya private or parochial elementary or secondary school, teaching children"
 - Processing / Wholesaling / Producing: No restrictions
- ⇒

○ Considerations for additional buffers

- Child Day Care Centers
- Drug and Alcohol treatment facilities
- Transit Facility
- City Facilities
 - Library
 - Aquatics Center
 - Community Center
 - Parks
- Linfield College
 - Admissions – Three-thousand (3,000) high school students come to campus each year on admissions-related visits
 - Athletic Camps

2015	Event	Minors
5/16	Rising Star Football Camp	65
6/13-6/21	Wildcat Football Team Camp	1,700
6/22-6/23	Wildcat Football Individual Skills Clinic	55
6/14	2A Baseball	36
6/21-6/25	Linfield Volleyball Camp	30
6/25-6/28	USA Track & Field	500
6/29-7/2	Linfield Coed Youth Basketball Camp	40
6/30-7/18	Olympic Development Program	1,495
7/10-7/11	Dante's Inferno Football Camp (See Ya Later	219
7/10-7/12	Special Olympics	400
7/13-7/17	NBC Volleyball Camp	45
7/16-19	Linfield Tennis Camp	24
7/19-7/22	NBC/Crowell Basketball Camp	100
8/3-8/6	Linfield Coed Youth Basketball Camp	35
8/7-8/9	Linfield Lacrosse	32
8/10-13	Linfield Coed Soccer Camp	36
	TOTAL MINORS	4,812

- Enrolled Students – Since the 2002 an average of twenty-two (22) of enrolled students are under 18 years old (1-2% of the student body)

For Reference

➤ Existing Zoning

- The current retail sales in the two existing medical marijuana are not in compliance with existing McMinnville zoning but this situation is transitory and will terminate without Council action on Dec 31st, 2016.
- **Residential (R1-R4)**
 - Medical sales
 - Disallowed by State statute
 - HB 3400 “May not be located in an area that is zoned for residential use”
 - Commercial sales:
 - Disallowed under McMinnville zoning
 - HB 3400 “May not be located in an area that is zoned exclusively for residential use”
 - Wholesaling
 - Disallowed under McMinnville zoning
 - HB 3400 “May not be located in an area that is zoned exclusively for residential use”
 - Medical Processing
 - Disallowed under McMinnville code
 - HB 3400 “If the marijuana processor processes marijuana extracts, may not be located in an area zoned exclusively for residential use”
 - Commercial Processing:
 - Disallowed under McMinnville zoning
 - Medical Production
 - Allowed
 - HB 3400 (established after Jan 1, 2015): If located in a residential zone... up to 12 plants
 - Commercial Production
 - Disallowed under McMinnville zoning
- **Office / Residential (O-R)**
 - Sales:
 - Medical only allowed by McMinnville zoning....as if a person were operating a clinic (a permitted use) or professional office that prescribed medical marijuana for treatment
 - McMinnville Code, “Offices: all professional, administrative and business offices, provided that retail sales are not allowed except for those sales incidental to the principal occupation conducted therein”
 - Wholesaling: Disallowed under McMinnville Code
 - Processing: Disallowed under McMinnville Code
 - Commercial Production: Disallowed under McMinnville Code
- **Neighborhood Business Zone (C-1)**
 - Sales: Allowed by McMinnville Zoning

- Wholesaling: Allowed by McMinnville Zoning
- Processing: Disallowed under McMinnville Zoning
- Production: Disallowed under McMinnville Zoning
- **General Commercial**
 - Sales: Allowed by McMinnville zoning
 - Wholesaling: Allowed by McMinnville zoning
 - Processing: Disallowed under McMinnville Code
 - Commercial Production: Allowed by McMinnville zoning
- **Travel Commercial**
 - Sales: Allowed by McMinnville zoning
 - Wholesaling: Disallowed under McMinnville zoning
 - Processing: Disallowed under McMinnville zoning
 - Production: Disallowed under McMinnville zoning
- **General Industrial**
 - Medical Sales: Allowed...Medical marijuana rules were adopted by the City Council such that the sales of such items are permitted to locate on industrial or commercial zoned properties.
 - Commercial Sales: Disallowed under McMinnville zoning
 - Wholesaling: Allowed by McMinnville zoning
 - Medical Processing: Allowed by McMinnville zoning
 - Commercial: Allowed by McMinnville zoning
 - Commercial Production: Allowed by McMinnville zoning
- **Light Industrial**
 - Medical sales: Allowed ...Medical marijuana rules were adopted by the City Council such that the sales of such items are permitted to locate on industrial or commercial zoned properties.
 - Commercial Sales: Disallowed under McMinnville zoning
 - Wholesaling: Allowed by McMinnville zoning
 - Medical Processing: Allowed
 - Commercial Processing: Allowed by McMinnville zoning
 - Production: Allowed by McMinnville zoning
- **Limited Light Industrial**
 - Medical sales....Medical marijuana rules were adopted by the City Council such that the sales of such items are permitted to locate on industrial or commercial zoned properties.
 - Commercial Sales: Disallowed under McMinnville zoning
 - Wholesaling: Allowed by McMinnville zoning
 - Medical Processing: Disallowed under McMinnville zoning
 - Commercial Processing: Disallowed under McMinnville zoning
 - Production: Disallowed under McMinnville zoning

State Regulation:

- Marijuana processing sites registered under section 85 of House Bill 3400 (2015)
- Medical marijuana dispensaries registered under ORS 475.314 which was amended by Section 86 of HB3400

- Marijuana producers licensed under section 19, chapter 1, Oregon Laws 2015
- Marijuana processors licensed under section 20, chapter 1, Oregon Laws 2015
- Marijuana wholesalers licensed under section 21, chapter 1, Oregon Laws 2015
- Marijuana retailers licensed under section 22, chapter 1, Oregon Laws 2015

Commercial Recreational Marijuana Wholesale

State Requirements:

- Prohibited from locating in areas zoned “exclusively” for residential use
- Must meet public health and safety standards of OLCC
- Must provide security

Current McMinnville Requirements:

There are currently no requirements in McMinnville’s zoning ordinance related specifically to the wholesaling of commercial recreational marijuana.

Proposed McMinnville Requirements:

Staff finds that the warehousing of commercial recreational marijuana is similar in operation and impact to the warehousing of other items that are permitted to occur on lands in McMinnville that are zoned for industrial use. Such uses, however, are not generally permitted elsewhere in the city. As such, staff offers the following recommendation:

- Limit their location to lands zoned M-2 (General Industrial), M-1 (Light Industrial), L-M (Limited Light Industrial), and within Planned Development Overlay zoned areas that permit or conditionally permit the warehousing of similar items.
- Prohibit their use as a “home occupation.”
- Landscaping, signage, and off-street parking are required consistent with applicable current standards for similar retail commercial development.
- Apply all other State and McMinnville requirements noted above and those applicable in State administrative rule and law.

Commercial Recreational Marijuana Sales

State Requirements:

- Prohibited from locating:
 - At same address or physical location of a licensed medical marijuana dispensary, medical marijuana grow site, medical marijuana processing site, or retail liquor store
 - Within 1,000 feet from public, private or parochial elementary or secondary school
 - In areas zoned “exclusively” for residential use
- Premises must be enclosed on all sides by permanent walls and doors
- Licensee may not sublet any portion of a licensed facility
- Drive-through sales are prohibited
- May only sell between the hours of 7:00am and 10:00pm
- May deliver marijuana items to a residence (from 8:00am to 9:00pm)
- Must provide security

Current McMinnville Requirements:

There are currently no requirements in McMinnville’s zoning ordinance that relate specifically to the commercial sale of recreational marijuana.

Proposed McMinnville Requirements:

Staff finds that commercial recreational marijuana sales are similar in operation and impact to medical marijuana sales and other retail businesses. Further, we find that the zoning ordinance allows outright the retail sale of a wide variety of items in the General Commercial zone, and drugstore or pharmacy uses in the Neighborhood Commercial zone. As such, staff offers the following recommendation:

- Limit their location to lands zoned C-3 (General Commercial), C-1 (Neighborhood Commercial), and within Planned Development Overlay zoned areas that permit or conditionally permit similar retail sales.
- Prohibit their use as a “home occupation.”
- Landscaping, signage, and off-street parking are required consistent with applicable current standards for similar retail commercial development.
- Apply all other State requirements noted above, as well as all applicable State administrative rules and law.

Under its home rule authority, the Council may also wish to consider requiring up to 1,000 foot separation between retail locations, similar to the separation requirement for medical marijuana dispensaries.

Medical Marijuana Dispensaries

State Requirements:

- 1,000 feet from other licensed Medical Marijuana Dispensaries
- 1,000 feet from public or private elementary or secondary school
- Allowed in areas zoned for commercial, industrial, mixed use, or as agricultural land
- Not allowed on same site as a marijuana grow site
- Drive-through sales are prohibited

Current McMinnville Requirements:

In addition to the above State requirements –

- 1,000 feet from the Aquatic Center, Public Library, and Community Center
- 1,000 feet from preschools
- Hours of operation limited to 10:00am to 7:00pm

Proposed McMinnville Requirements:

From a land use perspective, staff finds that medical marijuana dispensaries are similar in operation and impact to other medical sales uses (i.e., pharmacies, drug stores) currently permitted in some of McMinnville's commercial zoned areas. Such uses, however, are not found in our industrial or residential zoned areas because of their retail aspect. In addition, barring adoption of a reasonable home rule restriction such as previously adopted for preschools, the Aquatic Center, Public Library, and the Community Center, we can find no language within the current State law that would mandate a buffer to be placed around Linfield College (or Chemeketa Community College), as had been requested during public testimony.

As such, staff offers the following recommendation:

- Amend the hours of operation consistent with those for commercial recreational marijuana retail sales locations (7:00am – 10:00pm).
- Limit their location to lands zoned C-3 (General Commercial), C-1 (Neighborhood Commercial), and within Planned Development Overlay zoned areas that permit or conditionally permit retail sales, medical sales, or pharmacy use.
- Landscaping, signage, and off-street parking are required consistent with applicable current standards for similar commercial development (e.g., off-street parking requirement for pharmacy would be applied to medical marijuana dispensary).
- The business shall be located in a permanent building and may not locate in a trailer, cargo container or motor vehicle.
- Apply all other State and McMinnville requirements noted above and applicable in State administrative rule and law.

Under its home rule authority, the Council may also wish to consider prohibiting medical marijuana dispensaries from locating within a certain distance of Linfield College, public parks, or alcohol and drug treatment facilities.

Commercial Marijuana Processor

State Requirements:

- A Processor can be endorsed by the OLCC to make extracts, concentrates, edibles and/or topicals.
- If a Processor makes extracts, the Processor cannot be located in a residential zone.
- Cannot locate on public land or the same site as another producer licensee under common ownership.
- Also cannot operate in a restaurant, bed and breakfast, or warehouse where food and related utensils are stored.
- Must operate in an enclosed, spark proof room.
- When a Processor applies to OLCC, they need to provide a description of the type of products to be processed, a description of equipment to be used, including any solvents, gasses, chemicals, or other compounds used to create extracts or concentrates.

Current McMinnville Requirements:

In addition to the above State requirements –

- Processing of edibles is a permitted use in all Industrial zones.
- Processing of extracts, concentrates, and/or topicals are permitted in the M-1 (Light Industrial) and M-2 (General Industrial) zones.

Proposed McMinnville Requirements:

Processors are clearly a type of manufacturing and one that will very often utilize regulated solvents, gasses, chemicals, or other compounds in the production of their products. From a land use perspective, staff finds that these types of uses are most appropriately located in industrial zones and this is borne out by the McMinnville zoning ordinance.

As such, staff offers the following recommendation:

- Limit their location to lands zoned M-1 and M-2.
- Landscaping, signage, and off-street parking are required consistent with applicable current standards for similar commercial development (e.g., off-street parking requirement for pharmacy would be applied to medical marijuana dispensary)
- Apply all other State requirements noted above, as well as all applicable State administrative rules and law.

Commercial Marijuana Producer (Grower)

State Requirements:

- Registered with the Oregon Liquor Control Commission (OLCC)
- May not be located on public land or residentially zoned land
- Allowed in areas zoned commercial, industrial, mixed use, or agricultural
- Not allowed on same site as a medical marijuana dispensary
- Must:
 - Fully enclose indoor production on all sides so that no aspect of the production area is visible from the exterior, or
 - Erect a solid wall or fence on all exposed sides of an outdoor productions area that is at least 8-feet in height.
- May have no more than 100 plants in each batch but may have an unlimited number of cultivation batches at any one time.
- Plant Canopy Size Limits: Indoor production
 - Tier I: 5,000 square feet
 - Tier 2: 5,000 – 10,000 square feet
- Plant Canopy Size Limits: Outdoor production
 - Tier I: 20,000 square feet
 - Tier 2: 20,000 – 40,000 square feet

Current McMinnville Requirements:

In addition to the above State requirements –

- “Greenhouse and Wholesale Nursery” use currently permitted in the M-1 (Light Industrial) and M-2 (General Industrial) zones.
- Retail “greenhouse” and “nursery” uses are permitted in commercial zones (wholesaling not a permitted use).

Proposed McMinnville Requirements:

The scale allowed for a commercial marijuana producer (grower) is very large; up to a 40,000 square foot plant canopy plus additional operational space. This results in a potential site size of one-acre or more. Fence height in McMinnville is limited to no more than seven-feet making fencing a poor visual barrier for mature marijuana plants that can obtain heights of 10 feet or more. Additionally, large outdoor grow sites would allow greater potential for odor impacts on adjacent properties than indoor sites.

As such, staff offers the following recommendation:

- Limit commercial marijuana producers (growers) to Tier I and Tier II Indoor production only (maximum 10,000 square foot plant canopy size).
- Allow commercial marijuana producers to locate in the M-1 (Light Industrial) and M-2 (General Industrial) zones only.
- Landscaping, signage, and off-street parking are required consistent with applicable current standards for similar industrial greenhouse or nursery use.
- Apply all other State requirements noted above, as well as all applicable State administrative rules and law.

Medical Marijuana Producer (Grower)

State Requirements:

- Registered with the Oregon Health Authority (OHA)
- May not be located on public land
- Not allowed on same site as a medical marijuana dispensary
- On Residentially zoned land:
 - Limited to serving four authorized medical marijuana cardholders and growing a total of 12 plants
- On Non-Residentially zoned land:
 - Limited to growing a total of 48 plants
 - For an Indoor facility -- Up to 6 pounds of usable marijuana per mature plant (6 lbs. X 48 plants = 288 pounds of usable marijuana onsite)
 - For an Outdoor facility -- Up to 12 pounds of usable marijuana per mature plant (12 lbs. X 48 plants = 576 pounds of usable marijuana onsite)
- Plants and operations must not be visible from public spaces

Current McMinnville Requirements:

In addition to the above State requirements –

- Permitted outright on Residentially zoned land as long as the plants are not in public view.
- “Greenhouse and Wholesale Nursery” uses are currently permitted in the M-1 (Light Industrial) and M-2 (General Industrial) zones.
- Retail “greenhouse” and “nursery” uses are permitted in commercial zones (wholesaling not a permitted use).

Proposed McMinnville Requirements:

The scale of a medical marijuana production (grower) operation is limited by statute in terms of the maximum number of plants and pounds that can be onsite at any one time. Residential medical grows are not likely to be much larger than an average personal greenhouse or garage. However, non-residential medical grows may be much larger.

As such, staff offers the following recommendation:

- Continue to allow limited scale medical marijuana producers (growers) in residential zones.
- Require medical marijuana producers (growers) on non-residential zoned land to conduct such uses indoors and that they be allowed as a permitted use in the M-1 and M-2 zones only.
- Landscaping, signage, and off-street parking are required consistent with applicable current standards for similar industrial greenhouse or nursery use.
- Apply all other State requirements noted above, as well as all applicable State administrative rules and law.



City Council- Regular

Meeting Date: 12/22/2015

Subject:

From: Rose Lorenzen, Administrative
Assistant / HR Analyst

AGENDA ITEM:

Ordinance No. 5000: Amending the McMinnville Zoning Ordinance to provide standards for regulating marijuana business activities in McMinnville, and declaring an emergency

BACKGROUND:

Attachments

Ordinance

Attachment "A" - Map

ORDINANCE NO. 5000

An Ordinance amending the McMinnville Zoning Ordinance to provide standards for regulating marijuana business activities in McMinnville, and declaring an emergency.

RECITALS:

WHEREAS, Oregon voters approved Ballot Measure 67 (Oregon Medical Marijuana Act) in November 1998. The Act authorizes local governments to adopt reasonable regulations related to the hours of operation, location and manner in which medical marijuana dispensaries are regulated. Subsequently, the 2013 Oregon Legislature passed House Bill (HB) 3460, a bill directing the Oregon Health Authority to establish a registration system for medical marijuana facilities for the transferring and distribution of medical marijuana. In response, in February 2014, the McMinnville City Council adopted Ordinance No. 4975 putting in place certain time, place and manner requirements for medical marijuana dispensaries.

WHEREAS, Oregon voters approved Ballot Measure 91 in November 2014, legalizing the personal use and possession of recreational marijuana with certain limitations, and imposing licensing and other requirements on medical and commercial marijuana activities. The measure was amended by the Oregon State Legislature in 2015 (HB 3400) to provide a number of provisions related to the retailing, wholesaling, processing, and production of marijuana activities, as well as to allow local governments to apply reasonable time, place and manner requirements on such marijuana activities consistent with the City's comprehensive plan, development code, and public health and safety laws.

WHEREAS, consistent with direction provided by the City Council, draft amendments to McMinnville Zoning Ordinance Chapters 17.06 (Definitions), 17.64 (Marijuana Related Activities, a proposed new chapter), and 17.67 (Home Occupation) were prepared by staff and presented to the Planning Commission at a public work session held on December 17, 2015, after due notice had been published in the "News Register." Copies of the draft materials were also posted to the City's website."

WHEREAS, these same draft amendments were presented for purposes of soliciting public testimony at a joint public hearing of the City Council and Planning Commission on December 22, 2015, after due notice was published in the "News Register" on December 15, 2015. In addition, notice of this hearing was provided to the Oregon Department of Land Conservation and Development (DLCD) not less than 35 days prior to the public hearing, as required by post acknowledgement plan amendment requirements.

WHEREAS, following the close of the public hearing and subsequent deliberation, the Commission voted unanimously to forward a recommendation to the City Council for approval of the proposed amendments to Chapters 17.06, 17.64, and 17.67 of the McMinnville zoning ordinance as presented by staff. Now, therefore

THE CITY OF MCMINNVILLE ORDAINS AS FOLLOWS:

Section 1. That Section 17.06 (Definitions) of the McMinnville Zoning Ordinance (No. 3380) is amended by adding the following definitions related to "Marijuana Activities:"

Cannabinoid – Any of the chemical compounds that are the active constituents of marijuana.

Cannabinoid Product – A cannabinoid edible and any other product intended for human consumption or use, including a product intended to be applied to the skin or hair that contains cannabinoids or dried marijuana leaves or flowers.

Canopy – The surface area utilized to produce mature marijuana plants calculated in square feet and measured using the outside boundaries of any area that includes mature marijuana plants including all of the space within the boundaries.

Cultivation – All phases of growth of marijuana from seed to harvest, or preparing, packaging or repackaging, labeling, or relabeling of marijuana prior to consumption, or incorporation into a recreational marijuana-infused product.

Immature Marijuana Plant - A marijuana plant that is not flowering.

Marijuana – The plant Cannabis family Cannabaceae, any part of the plant of the Cannabis family Cannabaceae and the seeds of the plant Cannabis family Cannabaceae. "Marijuana" does not include industrial hemp, as defined in ORS 571.300.

Marijuana Business – Any person or entity appropriately licensed by the Oregon Health Authority (OHA) or Oregon Liquor Control Commission (OLCC) that sells, produces, cultivates, grows, wholesales, processes or tests medical marijuana or recreational adult use marijuana within the City of McMinnville.

Marijuana Paraphernalia – Any instrument that is used in the manufacture, production, distribution, sale, or consumption of marijuana. Examples include but are not limited to certain types of smoking pipes, bongs, roach clips, rolling papers, grinders, or scales.

Marijuana Processing – Preparing, compounding or conversion of marijuana into edibles, skin and hair products, cannabinoid concentrates, and cannabinoid extracts for medical or recreational purposes. “Processing” does not include packaging or labeling.

Marijuana Production – The planting, cultivation, growing, trimming, drying or harvesting of retail recreational marijuana.

Medical Marijuana Dispensary – A medical marijuana dispensary registered under ORS 475.314 or a site for which an applicant has submitted an application for registration under ORS 475.314.

Medical Marijuana Grow Site – A specific location registered by the Oregon Health Authority and used by the grower to produce marijuana for medical use by a specific patient. Medical grow sites are regulated by state law as follows: 12 mature plants are allowed per grow site in residential zones; 48 mature plants per grow site in all other zones. If all grows at the site had registered with the State of Oregon by January 2, 2015, the grow site is limited to the number of plants at the grow site as of December 31, 2015, not to exceed 24 mature plants per grow site in a residential zone and 96 mature plants per grow site in all other zones.

Production, Indoor – Producing marijuana within an enclosed building in any manner utilizing artificial lighting on mature marijuana plants, and that does not meet the definition as an outdoor production facility.

Production, Outdoor – Producing marijuana in an expanse of open or cleared ground, or in a greenhouse, hoop house or similar non-rigid structure that does not utilize artificial lighting on mature plants, including but not limited to electrical lighting sources.

Section 2. That the following new chapter, 17.64 (Marijuana Related Activities), is added to the zoning ordinance:

Chapter 17.64

MARIJUANA RELATED ACTIVITIES

Sections:

17.64.010 Purpose

- 17.64.020 Applicability
- 17.64.030 Locations
- 17.64.040 Performance Standards
- 17.64.050 Non-conforming Use
- 17.64.060 Enforcement

17.64.010 Purpose. The purpose of this Chapter is to establish zoning regulations that provide for state licensed medical marijuana and commercial recreational marijuana activities allowed under voter-approved statewide initiatives and subject to other statewide administrative rules. The requirements of this Chapter are intended to be consistent with those regulations and, in some cases, augment them as necessary to provide adequate safeguards to address potential public health, safety and welfare considerations, particularly those associated with the cultivation, processing, and production of marijuana and the detrimental effects such activities may have upon McMinnville citizens and neighborhoods.

17.64.020 Applicability.

- A. The requirements of this Chapter shall apply to the following state licensed uses or activities:
 - 1. Medical marijuana dispensaries;
 - 2. Medical marijuana processing activities;
 - 3. Medical marijuana production activities;
 - 4. Commercial marijuana retail activities;
 - 5. Commercial marijuana wholesale activities;
 - 6. Commercial marijuana processing activities; and
 - 7. Commercial marijuana production activities.
- B. Where existing planned development provisions differ from the standards of this Chapter, the standards of the planned development ordinance shall take precedence.

17.64.030 Locations.

- A. Marijuana activities may locate in the following zones, as described below and as may be required by Section 17.64.040.
 - 1. State licensed medical marijuana dispensary or commercial recreational marijuana retail business shall be located only on lands zoned C-1 or C-3.
 - 2. State licensed medical marijuana processing or production, or commercial recreational marijuana processing or production shall be located only on lands zoned M-1 or M-2.
 - 3. State licensed commercial marijuana wholesale use shall be located only on lands zoned L-M, M-1, or M-2.

17.64.040 Performance Standards.

- A. In addition to other requirements noted in this Chapter, medical marijuana and commercial recreational marijuana activities shall be subject to the following:
1. Medical marijuana dispensaries and commercial recreational marijuana retail businesses may operate between the hours of 9:00am and 9:00pm only.
 2. Any state licensed marijuana activity operating within the city shall be located indoors within a permanent building and may not locate in a trailer, cargo container or motor vehicle. Outdoor storage of any merchandise, plants, or other marijuana activity related materials is not allowed. Further, no drive-through facilities or temporary facilities shall be permitted.
 3. There shall be no marijuana, marijuana product, or marijuana paraphernalia visible from the exterior of the building.
 4. Medical marijuana dispensaries may not be located within 1,000 feet of another state licensed dispensary.
 5. Commercial recreational retail businesses may not be located within 1,000 feet of another state licensed commercial recreational retail business.
 6. Medical marijuana dispensaries and/or commercial recreational facilities may not be located within 1,000 feet of the following:
 - a. Public, private or parochial elementary or secondary school.
 - b. McMinnville public library, community center, or aquatic center.
 - c. State licensed preschool.
 - d. Linfield College campus, as depicted in Exhibit "A" to this Chapter.
 7. Commercial marijuana production shall be limited to indoor production and up to Tier II size limits (10,000 square foot maximum canopy).
 8. All sites on which a state licensed marijuana facility is located shall provide landscaping and off-street parking consistent with the requirements of Chapter 17.57 (Landscaping) and Chapter 17.60 (Off-Street Parking) of the zoning ordinance.
 9. Signs for locations on which a state licensed marijuana facility is located shall comply with the applicable provisions of Chapter 17.62 (Signs) of the zoning ordinance.
 10. All other development requirements (e.g., fencing, property setbacks and buffers, solid waste disposal, lighting) shall be as required by the zone in which the marijuana activity is located or otherwise required by the zoning ordinance or applicable planned development ordinance.
 11. The City Building Division will require a proof of license from the State (either OHA or OLCC, as applicable) showing the security plan, waste disposal plan, and all other required improvements prior to release of a final occupancy permit.

12. All other applicable requirements of state law regarding the operation of a state licensed marijuana activity shall apply as they now exist or may be amended.
13. The private growing or cultivation of marijuana for non-commercial personal use, as defined by state law, is not regulated by this chapter.

17.64.050 Non-conforming Use. A marijuana activity lawfully established prior to the adoption of this ordinance but that is not in compliance with the allowed uses or the standards for those uses as described in this Chapter shall be considered a lawful nonconforming use. The continuation of a lawful nonconforming use is subject to the applicable provisions of Chapter 17.63 (Nonconforming Uses). In addition, any dispensary that offered for sale commercial recreational marijuana as provided by SB 460 (early sales legislation) prior to the adoption of this ordinance but that is not in compliance with the allowed uses or the performance standards for such use as described in this Chapter shall not be permitted to continue such commercial recreational retail sales after December 31, 2016.

17.64.060 Enforcement. Nothing contained herein shall preclude the issuance of citations for violations of this ordinance, either prior to, concurrently with, or after action is commenced to declare a marijuana activity to be unlawful. Marijuana activities found to be in violation of the provisions of this Chapter, or other applicable provisions of this zoning ordinance, are subject to the provisions of Chapter 17.03 (General Provisions).

Section 3. That Section 17.67.040 (Prohibited Uses) is amended by adding the following:

“G. Marijuana businesses.”

Section 4. That McMinnville Ordinance No. 4975 is repealed in its entirety.

Section 5. Emergency Clause: Pursuant to 2015 Oregon HB 3400, the Oregon Liquor Control Commission will begin accepting applications for the licensing of commercial recreational businesses on or after January 4, 2016. It is imperative that this Ordinance be in place on or before that date to ensure that the siting of these facilities will occur in an orderly fashion and that all applicants, whenever they make application, will be treated similarly. This Ordinance, being necessary for the immediate preservation of the public peace, health and safety of the citizens of the City of McMinnville, an emergency is hereby declared to exist, and this Ordinance shall take effect immediately upon its passage by the City Council and approval by the Mayor.

Passed by the Council this 22nd day of December 2015, by the following votes:

Ayes: _____

Nays: _____

Approved this 22nd day of December 2015.

MAYOR

Attest:

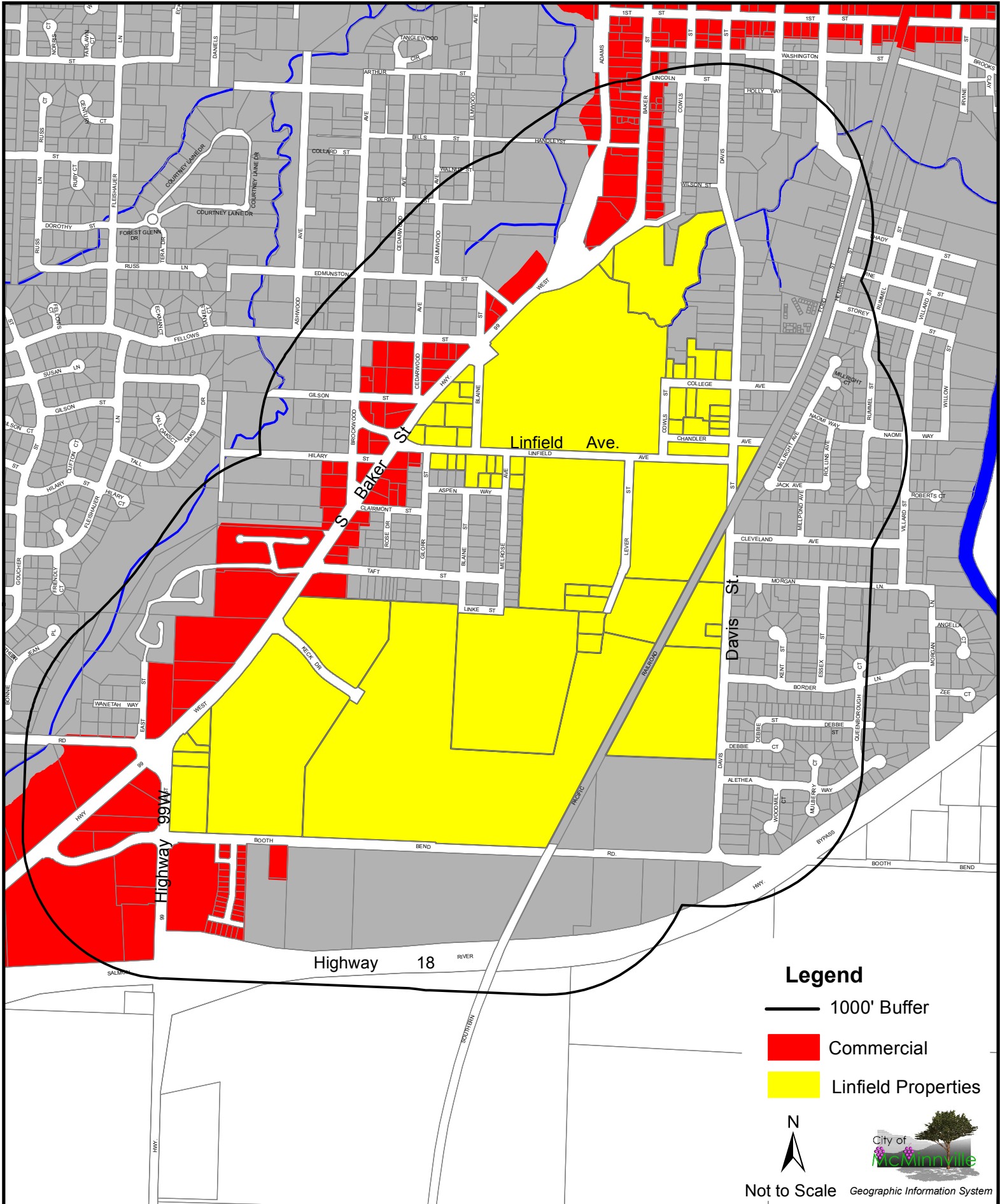
Approved as to Form:

CITY RECORDER

CITY ATTORNEY

Linfield Properties

Exhibit "A"





City Council- Regular

Meeting Date: 12/22/2015

Subject:

From: Rose Lorenzen, Administrative
Assistant / HR Analyst

AGENDA ITEM:

Reappointment of Water and Light Commissioner

BACKGROUND:



City Council- Regular

Meeting Date: 12/22/2015

Subject:

From: Rose Lorenzen, Administrative
Assistant / HR Analyst

AGENDA ITEM:

TENTATIVE CITY COUNCIL MEETING DATE: If Ordinance No. 5000 passes by a majority vote (rather than a unanimous vote), the City Council will hold a Special Meeting on either December 23, 2015 at 7:00 p.m. or December 29, 2015 at 7:00 p.m. to hold a second vote on the proposed ordinance

BACKGROUND:



City Council- Regular

Meeting Date: 12/22/2015

Subject: Cash and Investment Report - October 2015

Submitted For: Marcia Baragary, Finance Director **From:** Ronda Gretzon

AGENDA ITEM:

Cash and Investment Report - October 2015

BACKGROUND:

Cash and Investment Report - October 2015

Attachments

Cash and Investment Report - October 2015

CITY OF MCMINNVILLE - CASH AND INVESTMENT BY FUND
October 2015

FUND #	FUND NAME	GENERAL OPERATING		
		CASH IN BANK	INVESTMENT	TOTAL
01	General	\$429,758.95	\$3,509,547.26	\$3,939,306.21
05	Special Assessment	850.57	161,899.82	162,750.39
07	Transient Lodging Tax	528.25	168,000.00	168,528.25
10	Telecommunications	624.32	1,030.00	1,654.32
15	Emergency Communications	748.34	100,094.81	100,843.15
20	Street (State Tax)	5.32	1,706,950.01	1,706,955.33
25	Airport Maintenance	514.80	870,749.03	871,263.83
40	Public Safety Facility Construction	852.36	10,805.24	11,657.60
45	Transportation	500.26	18,907,154.99	18,907,655.25
50	Park Development	651.24	1,022,408.92	1,023,060.16
58	Urban Renewal	0.56	0.00	0.56
59	Urban Renewal Debt Service	440.40	72,607.53	73,047.93
60	Debt Service	823.76	294,853.53	295,677.29
70	Building	868.75	627,000.00	627,868.75
75	Sewer	594.93	1,675,899.26	1,676,494.19
77	Sewer Capital	654.01	14,553,103.65	14,553,757.66
79	Ambulance	607.31	301,835.28	302,442.59
80	Information Systems & Services	123.99	171,713.61	171,837.60
85	Insurance Reserve	198.15	1,228,290.54	1,228,488.69
CITY TOTALS		439,346.27	45,383,943.48	45,823,289.75

MATURITY DATE	INSTITUTION	TYPE OF INVESTMENT	INTEREST	
			RATE	CASH VALUE
N/A	Key Bank of Oregon	Checking & Repurchase Sweep Account	0.20%	\$ 439,346.27
N/A	Key Bank of Oregon	Money Market Savings Account	0.02%	\$ 3,501,200.60
N/A	State of Oregon	Local Government Investment Pool (LGIP)	0.54%	22,299,275.82
N/A	State of Oregon	Park Improvement Bonds (LGIP)	0.54%	862,989.85
N/A	State of Oregon	Transportation Bond (LGIP)	0.50%	18,146,794.96
N/A	MassMutual Financial Group	Group Annuity	3.00%	573,682.25
				<u>\$ 45,823,289.75</u>